



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION 10

1200 Sixth Avenue, Suite 900
Seattle, Washington 98101-3140

May 12, 2008

Reply to
Attn Of: AOO-A

Ref: 06-045-BPA

Carl Keller, Environmental Project Manager
Bonneville Power Administration - KEC-4
P.O. Box 3621
Portland, Oregon 97208-3621

Dear Mr. Keller:

The U.S. Environmental Protection Agency (EPA) has reviewed Draft Environmental Impact Statement (EIS) **for the Bonneville Power Administration Lyle Falls Fish Passage** project located on the lower Klickitat River in Klickitat County, Washington (CEQ No. 20080114). Our review of the draft EIS was conducted in accordance with our responsibilities under the National Environmental Policy Act (NEPA) and Section 309 of the Clean Air Act (CAA). Section 309 specifically directs the EPA to review and comment in writing on the environmental impacts associated with all major federal actions. Under our Section 309 authority, our review of the EIS considers the expected environmental impacts, and the adequacy of the EIS in meeting procedural and public disclosure requirements of NEPA.

According to the draft EIS, the Confederated Tribes and Bands of the Yakama Nation (YN) have requested funding from the Bonneville Power Administration (BPA) to modify the existing Lyle Falls Fishway, which is owned by the Washington Department of Fish and Wildlife (WDFW) but operated by the YN. The US Forest Service (USFS) administers portions of the Klickitat River and its corridor under the National Wild and Scenic Rivers Act (WSR). The WDFW, YN, and USFS are cooperating agencies with BPA in this environmental analysis.

Currently, Lyle Falls prevents some upstream migrating fish from reaching the upper watershed, particularly during low flows. The existing ladder, constructed in the 1950s to provide a way for fish to migrate around the falls under a range of flow conditions, is not functional. Fish species affected by these conditions include fall Chinook salmon, coho salmon, and, steelhead salmon, which are listed as threatened under the Endangered Species Act (ESA). This project is intended to improve fish passage to habitat in the upper part of the watershed. It also will allow BPA to meet its mitigation responsibilities and potentially increase overall fish production in the Columbia Basin by enhancing fish passage into the Klickitat subbasin. Project components include: providing properly functioning and effective year-round adult fish passage facilities; providing facilities to collect, monitor, and enumerate biological information to monitor success of future fishery management actions in the subbasin; and enhancing opportunities for adult salmonids to access the upper Klickitat River and make use of abundant, under-utilized spawning and rearing habitat.

The draft EIS provides an action and a no action alternative. With Alternative 1, the No Action alternative, the fishway would retain its current configuration and operational practices, and the same fish passage and fish sampling capabilities would be maintained.

Under Alternative 2, the Proposed Action, improvements would include reconstructing and lengthening the fishway, modifying the ladder entrance to facilitate fish access during low flow, upgrading the adult trapping facility, and improving fisheries monitoring capabilities by adding a Passive Integrated Transponder (PIT) tag detector and a video monitoring system. Access road conditions would be upgraded and a permanent work station would be provided for biologists near the fish ladder. Operationally, the Proposed Action would alter the distribution of flow passing through the natural channel and the fishway. In addition, the extent of fishway maintenance would be reduced because less rock and sediment would enter the structure. The existing attraction flow system would be replaced with a new system designed to attract fish to the ladder entrance.

EPA has assigned a rating of LO (Lack of Objections) to the draft EIS. This rating and a summary of our comments will be published in the Federal Register. A copy of the rating system used in conducting our review is enclosed for your reference. Although we do not object to the proposed action, EPA believes there are some issues which warrant additional consideration in the final EIS. These are described below.

Range of Alternatives

As discussed above, the draft EIS evaluates only one action alternative. While the overall impacts of the action alternative have been determined to be either limited to construction, or generally positive, this does not efface the requirement under NEPA to evaluate a reasonable range of alternatives. There may need to be consideration of additional alternatives developed in response to comments on the draft EIS, resulting in other reasonable action alternatives in the final EIS. Considering other alternatives will ensure that the EIS provides the public and the decision-maker with information that pointedly defines the issues and identifies a clear basis for choice among alternatives as required by NEPA. The Council on Environmental Quality (CEQ) recommends that all reasonable alternatives be considered, even if some could be outside the capability or the jurisdiction of the agency preparing the EIS. EPA strongly encourages selection of alternatives that will minimize environmental and resource degradation.

EPA recommends that additional alternatives be considered for inclusion in the final EIS to ensure compliance with NEPA. If additional alternatives are developed, we recommend that information about those alternatives and their associated impacts be provided to project stakeholders for review prior to the release of the final EIS and ROD.

Socioeconomics, Environmental Justice and Tribal Consultation

Currently, there is no discussion in the draft EIS regarding possible minority and/or low-income populations beyond the Native American population that may be impacted by this project. There is also no information provided regarding poverty rates or ethnic diversity or the project versus reference area. Lastly, it is also unclear if the Native American population identified in the socioeconomics sections of the document utilizes the fish species that will be potentially impacted by the project.

EPA recommends that the final EIS disclose what efforts were taken to ensure effective public participation, including participation of low income or minority populations, if applicable. In addition, if low income or people of color communities will be impacted by the proposed project, the final EIS should disclose what efforts were taken to meet environmental justice requirements consistent with Executive Order (EO) 12898 Federal Actions to Address Environmental Justice in Minority and Low-Income Population, including a description of the methodology and criteria utilized for identifying environmental justice populations, a comprehensive accounting of all impacts on low income or minority populations, and determination if the impacts to these populations will be disproportionately higher than those on non-low income or minority communities. Lastly, the EIS must demonstrate that environmental justice populations bearing disproportionately high and adverse effects have had the opportunity for meaningful input into the decisions being made about the project.

Finally, the draft EIS does not include information concerning the tribal consultation activities that were undertaken or have been planned for this proposed project. There is also no discussion of the requirements of *EO 13175 Consultation and Coordination with Indian Tribal Governments*. Although the YN is a cooperating agency and applicant for this project, requirements of this EO continue and there may be other federally-recognized tribal governments with interest in this project.

EPA recommends that the final EIS include discussion relating to the requirements of EO 13175 and what action have been undertaken or planned to ensure compliance with this EO.

Thank you for the opportunity to review this DRAFT EIS. If you have any questions or would like discuss our findings, please contact Jennifer Curtis of my staff at (907) 271-6324 or curtis.jennifer@epa.gov.

Sincerely,

/s/

Christine B. Reichgott, Manager
NEPA Review Unit

Enclosure

ENCLOSURE 1

U.S. Environmental Protection Agency Rating System for Draft Environmental Impact Statements Definitions and Follow-Up Action* Environmental Impact of the Action

LO – Lack of Objections

The U.S. Environmental Protection Agency (EPA) review has not identified any potential environmental impacts requiring substantive changes to the proposal. The review may have disclosed opportunities for application of mitigation measures that could be accomplished with no more than minor changes to the proposal.

EC – Environmental Concerns

EPA review has identified environmental impacts that should be avoided in order to fully protect the environment. Corrective measures may require changes to the preferred alternative or application of mitigation measures that can reduce these impacts.

EO – Environmental Objections

EPA review has identified significant environmental impacts that should be avoided in order to provide adequate protection for the environment. Corrective measures may require substantial changes to the preferred alternative or consideration of some other project alternative (including the no-action alternative or a new alternative). EPA intends to work with the lead agency to reduce these impacts.

EU – Environmentally Unsatisfactory

EPA review has identified adverse environmental impacts that are of sufficient magnitude that they are unsatisfactory from the standpoint of public health or welfare or environmental quality. EPA intends to work with the lead agency to reduce these impacts. If the potential unsatisfactory impacts are not corrected at the final EIS stage, this proposal will be recommended for referral to the Council on Environmental Quality (CEQ).

Adequacy of the Impact Statement

Category 1 – Adequate

EPA believes the draft EIS adequately sets forth the environmental impact(s) of the preferred alternative and those of the alternatives reasonably available to the project or action. No further analysis of data collection is necessary, but the reviewer may suggest the addition of clarifying language or information.

Category 2 – Insufficient Information

The draft EIS does not contain sufficient information for EPA to fully assess environmental impacts that should be avoided in order to fully protect the environment, or the EPA reviewer has identified new reasonably available alternatives that are within the spectrum of alternatives analyzed in the draft EIS, which could reduce the environmental impacts of the action. The identified additional information, data, analyses or discussion should be included in the final EIS.

Category 3 – Inadequate

EPA does not believe that the draft EIS adequately assesses potentially significant environmental impacts of the action, or the EPA reviewer has identified new, reasonably available alternatives that are outside of the spectrum of alternatives analyzed in the draft EIS, which should be analyzed in order to reduce the potentially significant environmental impacts. EPA believes that the identified additional information, data, analyses, or discussions are of such a magnitude that they should have full public review at a draft stage. EPA does not believe that the draft EIS is adequate for the purposes of the National Environmental Policy Act and or Section 309 review, and thus should be formally revised and made available for public comment in a supplemental or revised draft EIS. On the basis of the potential significant impacts involved, this proposal could be a candidate for referral to the CEQ.

* From EPA Manual 1640 Policy and Procedures for the Review of Federal Actions Impacting the Environment. February, 1987.